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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,315	10/27/2000	Yoshinobu Shiraiwa	862.1579 Div. I	7562
5514	7590	07/25/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			YE, LIN	
		ART UNIT		PAPER NUMBER
		2615		

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/697,315	SHIRAIWA ET AL.	
	Examiner Lin Ye	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-17 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) 10-16, 23 and 24 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17, 20-22, 25 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 08/689,054.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/05</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. A request for continued examination under 37 CFR 1.114 filed on 5/27/05, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.
2. Applicant's arguments with respect to claims 17, 20-22 and 25-26 filed on 5/27/05 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17, 20 and 22, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi et al. U.S. Patent 4,935,809.

Referring to claim 17, the Hayashi reference discloses in Figures 1-5 and 12, an image processing apparatus comprising: a first input unit (as shown in Figure 3), arranged to input

an image sensing signal output from an image sensing unit (TV camera 83, See Col. 4, lines 37-41); an indicating unit (e.g. picture frame specifying keys 40 or cursor 47, see Col. 5, lines 22-26 and Col. 11, lines 34-46) manipulated by a user, arranged to indicate an arbitrary position of an image displayed on a screen from the image sensing signal; a second input unit (floppy disk drive 87, see Col. 4, lines 54-56 , or scanner 58), arranged to input a reproduced image (standard reference image, See Col. 7, lines 44-52), wherein the reproduced image is reproduced from an arbitrary sensing image signal and corresponds to a designated sensing image (specified sensing image) on the position indicated by said indicating unit (specifying keys 40 or cursor 47); a determining unit (color film analyzer as shown in Figure 18), arranged to determine an image processing parameter (standard table data, Col. 8, lines 45-50) to convert color information included in the designated sensing image into color information included in the reproduced image (for simulating favorable printed images as a color correction value, See Col. 17, lines 16-24); and a processing unit (image processing unit 84, see Col. 7, lines 35-46), arranged to perform image processing on an image sensing signal by using the image processing parameter (See Col. 15, lines 5-11).

Referring to claim 20, the Hayashi reference discloses wherein said processing unit (84) adjusts color balance of the image-sensing signal by using the image processing parameter (See Col. 2, lines 62-68 and Col. 3, lines1-10).

Referring to claim 22, the Hayashi reference discloses all subject matter as discussed with respected to same comment as with claim 17.

Referring to claim 25, the Hayashi reference discloses all subject matter as discussed with respected to same comment as with claim 17.

Referring to claim 26, the Hayashi reference discloses disclose all subject matter as discussed with respected to same comment as with claim 17.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. U.S. Patent 4,935,809 in view of Aihara et al. U.S Patent 5, 729,363.

Referring to claim 21, the Hayashi reference discloses all subject matter as discussed in parent claim 17, except that reference does not explicitly show when second input unit does not input the reproduced image for generating desired imaging parameters, the processor also performs white balance processing.

The Aihara reference discloses a image processing apparatus comprising: a CCD image sensor (4) and image processing circuit (7) for white balance, flare and shading correction processing (See Col. 8, lines 17-21); and the imaging data may be processed basis of a reference imaging parameters wherein there are no desired imaging parameter or wherein there are imaging parameters close to the desired imaging parameters in the imaging data (See Col. 19, lines 1-6). The Aihara reference is evidence that one of ordinary skill in the art at the time to see more advantages for the imaging processing system has more flexible

options to processing the image data such white balance correction either using the image parameter obtain from the image data, or an arbitrary reproduced image data as the reference imaging data when no desired imaging parameter in the image data. For that reason, it would have been obvious one having ordinary skill in the art at the time of the invention was made to modify the image processing apparatus of Hayashi ('809) by providing the processing performs white balance processing when said second input unit does not input the reproduced image as taught by Aihara ('363)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Vogel U.S. 5,668,596 discloses a digital imaging device performs color correction on the sensing image based on a reference image data parameter storing the matrix coefficient memory.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Examiner
Art Unit 2615

July 20, 2005